

# Exhibit 4

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

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Date: January 6, 2016

Judge: Hon. James Donato

Time: 7 Minutes

Case No. **C-15-03014-JD**

Case Name **Internap Corporation v. Noction, Inc.**

Attorney(s) for Plaintiff(s): Clark S. Stone

Attorney(s) for Defendant(s): Olivia M. Kim/Lisa D. Zang

Deputy Clerk: Lisa R. Clark

Court Reporter: Pamela Batalo

PROCEEDINGS

Motion to Amend Infringement Contentions Under the Doctrine of Equivalents - Held  
Motion to Strike Plaintiff's Infringement Contentions Under the Doctrine of Equivalents - Held

RESULT OF HEARING

The parties' cross-motions are quintessential examples of unnecessary and wasteful litigation tactics. They manifest a basic failure of professional civility and courtesy. The patent local rules are not an iron cage and they afford some degree of flexibility, particularly before claim construction has taken place. *See CAP Co., Ltd. v. McAfee, Inc.*, Case No. 14-cv-5068, 2015 WL 4734951 (N.D. Cal. Aug. 10, 2015). In this case, claim construction is still months away. Counsel should have resolved this minor dispute over timing without burdening the Court with these motions. Sanctions will be imposed if counsel continue to behave below the professional standards required in this District.

The Court rules from the bench and grants plaintiff's motion to amend (Dkt. No. 64) and denies defendant's motion to strike (Dkt. No. 61). Leave to amend is retroactively granted for plaintiff's supplemental infringement contentions that were served on October 26, 2015. Plaintiff need not re-serve those contentions.

There will be no further written order.